

1
2
3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5
6 OAKLAND DIVISION

7 UNITED STATES OF AMERICA,
8

9 Plaintiff,

10 vs.

11 IGOR PURLANTOV,
12

Defendant.

Case No: CR 11-0371 SBA

ORDER

Docket 41

13 On December 14, 2011, Defendant Igor Purlantov ("Defendant") pled guilty to
14 charges of wire fraud and tax evasion arising out of his taking \$1,175,666 from the Swiss
15 bank account of Mohammed Darwish ("Darwish") after Darwish had passed away. See
16 Dkt. 23, 41. On January 17, 2012, the Court entered an Amended Judgment, which orders
17 Defendant to, among other things, pay \$97,972.33 in restitution to each of Darwish's
18 brothers in law: Sami Yusuf Alami, Bashir Alami, Zuhayr Alami, Ina'Am Yusuf Alami,
19 Adnan Yusuf Alami, and Sufian Yusuf Alami. See Dkt. 31, 33.

20 On May 2, 2012, the Court issued an Order denying a motion to revise the restitution
21 order brought by Sami Yusuf Alami, Bashir Alami, Zuhayr Alami, Ina'Am Yusuf Alami,
22 and Sufian Yusuf Alami (collectively, "the Alami Victims") under 18 U.S.C. § 3664(d)(5).
23 Dkt. 40. On September 26, 2012, the Alami Victims filed a motion entitled "Motion to
24 Substitute a Beneficiary of Restitution with Other Beneficiaries and/or Reallocate
25 Restitution" in which they request the Court issue an amended restitution order removing
26 Adnan Yusuf Alami ("Adnan") as a restitution beneficiary and allocating his portion of the
27 restitution equally among the Alami Victims. Id. Alternatively, the Alami Victims request
28 the Court issue an amended restitution order allocating Adnan's portion of the restitution

1 equally among the Alami Victims without removing him as a restitution beneficiary. Id.
2 The Alami Victims contend that Adnan "should not share in restitution" because he is "not
3 considered a valid beneficiary entitled to any of [Darwish's] estate since he passed away
4 prior to [Darwish's] death." Id.

5 The Court construes the Alami Victims' motion as a request for reconsideration of
6 the Court's May 2, 2012 Order denying their motion to revise the restitution order, which
7 requested the same relief; namely, that the Court issue an order removing Adnan from the
8 restitution order and allocating his portion of the restitution equally among the Alami
9 Victims. See Dkt. 33, 40. The Federal Rules of Criminal Procedure do not expressly allow
10 for motions for reconsideration. U.S. v. Armstrong, 2012 WL 4953079, at *2 (N.D. Cal.
11 2012). However, courts in this district examine motions for reconsideration in a criminal
12 case with the same standards applied in a civil context. Id.; see Crim. L.R. 2-1 ("The
13 provisions of the Civil Local Rules of the Court shall apply to criminal actions and
14 proceedings, except where they may be inconsistent with these criminal local rules, the
15 Federal Rules of Criminal Procedure or provisions of law specifically applicable to criminal
16 cases.").

17 Under the Civil Local Rules, a party may not move for reconsideration without first
18 obtaining leave of Court. Civ. L.R. 7-9(a). A party moving for leave to file a motion for
19 reconsideration must show: (1) "[t]hat at the time of the motion for leave, a material
20 difference in fact or law exists from that which was presented to the Court before entry of
21 the interlocutory order for which reconsideration is sought," and "that in the exercise of
22 reasonable diligence the party applying for reconsideration did not know such fact or law at
23 the time of the interlocutory order"; or (2) "[t]he emergence of new material facts or a
24 change of law occurring after the time of such order"; or (3) "[a] manifest failure by the
25 Court to consider material facts or dispositive legal arguments which were presented to the
26 Court before such interlocutory order." Civ. L.R. 7-9(b). "No motion for leave to file a
27 motion for reconsideration may repeat any . . . argument made by the applying party in
28 support of . . . the interlocutory order which the party now seeks to have reconsidered. Any

1 party who violates this restriction shall be subject to appropriate sanctions." Civ. L.R. 7-
2 9(c).

3 The Court finds that the instant motion does not comply with the Local Rules
4 governing motions for reconsideration. As an initial matter, the Alami Victims failed to
5 obtain leave of Court prior to filing their motion. Moreover, even if the Court were to
6 construe the Alami Victims' motion as a motion requesting leave to file a motion for
7 reconsideration, the Alami Victims have failed to demonstrate that reconsideration is
8 warranted. The Alami Victims' have not shown that any material difference in fact or law
9 exists from that which was presented to the Court before entry of the May 2, 2012 Order,
10 and that in the exercise of reasonable diligence they did not know such fact or law at the
11 time of the Order. Nor have the Alami Victims' shown that new material facts have
12 emerged or that a change in law has occurred after the Court issued its May 2, 2012 Order.
13 Finally, the Alami Victims' have not shown a manifest failure by the Court to consider
14 material facts or dispositive legal arguments which were presented to the Court before it
15 issued its May 2, 2012 Order.

16 Accordingly,

17 IT IS HEREBY ORDERED THAT

18 1. The Alami Victims' Motion to Substitute a Beneficiary of Restitution with
19 Other Beneficiaries and/or Reallocate Restitution is DENIED.

20 2. This Order terminates Docket 41.

21 IT IS SO ORDERED.

22 Dated: 7/1/13

23 
24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
26
27
28